

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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STATE OF NEW YORK, COMMONWEALTH
OF PENNSYLVANIA, STATE OF
CALIFORNIA, STATE OF COLORADO, STATE
OF DELAWARE, DISTRICT OF COLUMBIA,
STATE OF ILLINOIS, STATE OF MARYLAND,
COMMONWEALTH OF MASSACHUSETTS,
STATE OF MICHIGAN, STATE OF
MINNESOTA, STATE OF NEW JERSEY,
STATE OF NEW MEXICO, STATE OF
OREGON, STATE OF RHODE ISLAND,
STATE OF WASHINGTON, STATE OF
VERMONT, and COMMONWEALTH OF
VIRGINIA,

Plaintiffs,

20 **CIVIL** 1689 (GHW)

-against-

JUDGMENT

EUGENE SCALIA, Secretary of the United States
Department Of Labor, UNITED STATES
DEPARTMENT OF LABOR, and UNITED
STATES OF AMERICA,

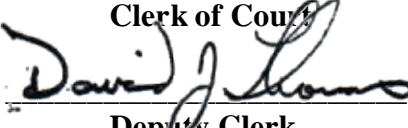
Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons
stated in the Court's Memorandum Opinion and Order dated September 8, 2020, the parties'
cross motions for summary judgment are granted in part and denied in part; The Department's
novel interpretation for vertical joint employer liability conflicts with the FLSA and is arbitrary and
capricious; But the Department's non-substantive revisions to horizontal joint employer liability are
severable, so 29 C.F.R. § 791.2(e) remains in effect. The Court vacates the rest of the revised 29
C.F.R. § 791.2; judgment is granted to Plaintiffs in part and Defendants in part.; accordingly, this
case is closed.

Dated: New York, New York
September 8, 2020

RUBY J. KRAJICK

BY: 
Clerk of Court
Deputy Clerk